

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MOTORSPORTS AUTHENTICS, LLC,
NATIONAL ASSOCIATION FOR STOCK CAR
AUTO RACING, INC., SPEEDWAY
MOTORSPORTS, INC., SPEEDWAY
PROPERTIES COMPANY, LLC,
INTERNATIONAL SPEEDWAY
CORPORATION, RCR ENTERPRISES, LLC,
ROUSH CORPORATION, JOE GIBBS RACING,
INC., HENDRICK MOTORSPORTS, INC., JEFF
GORDON, INC., RUSTY WALLACE, INC.,
PENSKE RACING SOUTH, INC., PENSKE
RACING LLC, DALE EARNHARDT, INC.,
EVERNHAM MOTORSPORTS, L.L.C.,
ROBERT YATES RACING, INC., MB2
MOTORSPORTS, LLC, and OAKLEY, INC.,

Plaintiffs,

v.

THOMAS COTTNE, et al.,

Defendants.

Civil Action No. 3:06CV138-MU

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter arises on Plaintiffs' Motion For Voluntary Dismissal Without Prejudice. The Court having considered the Plaintiffs' Motion and the pleadings and papers of record, and it appearing that no Defendant has answered, moved or otherwise appeared in this action, it is therefore ORDERED pursuant to Rule 41(a)(2), F.R.Civ.P., as follows:

1. This action is dismissed without prejudice.
2. Any items seized by Plaintiffs pursuant to orders issued by the Court in this action may be disposed of by Plaintiffs or may be retained by Plaintiffs for evidentiary or archival purposes, at the option of Plaintiffs.

3. The Injunction Bond originally posted by Plaintiffs on March 24, 2006, is hereby canceled.

SO ORDERED.

Signed: January 8, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", is written over a horizontal line.

Graham C. Mullen
United States District Judge

